

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUDITH A. ROGIND,

Plaintiff,

Case No. 21-cv-12514
Hon. Matthew F. Leitman

v.

NEW REZ, LLC,

Defendant.

ORDER TERMINATING DEFENDANT'S
MOTION TO DISMISS (ECF No. 8) WITHOUT PREJUDICE

On October 26, 2021, Plaintiff Judith A. Rogind filed this action against Defendant NewRez LLC d/b/a Shellpoint Mortgage Servicing. (*See* Compl., ECF No. 1.) Rogind alleges, among other things, that NewRez breached the parties' mortgage agreement, unjustly enriched itself, and violated the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (*See id.*) NewRez then filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 8.)

On January 3, 2022, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting Rogind leave to file a First Amended Complaint in order to remedy the alleged deficiencies in her claims identified by NewRez in the motion to dismiss. (*See* Order, ECF No. 9.) The Court informed the

parties that if Rogind filed a First Amended Complaint, it would terminate without prejudice NewRez' motion to dismiss as moot. (*See id.*)

Rogind filed a First Amended Complaint on January 31, 2022. (*See* Am. Compl., ECF No. 11.) Accordingly, the Court **TERMINATES WITHOUT PREJUDICE** NewRez' motion to dismiss (ECF No. 8) **AS MOOT**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: February 11, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 11, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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